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Letter dated 6 January 2012 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1963 (2010), which directs the Counter-Terrorism Committee Executive Directorate to submit, by 31 December 2011, a global survey of the implementation by Member States of Security Council resolution 1624 (2005).

I am therefore pleased to submit herewith, for the consideration of the Council, the global survey of the implementation by Member States of Security Council resolution 1624 (2005), which was adopted by the Committee on 30 December 2011.

The survey was prepared by the Counter-Terrorism Committee Executive Directorate on the basis of information available as at October 2011. It provides an assessment of the implementation of resolution 1624 (2005) in regions and subregions, and draws conclusions about progress in the implementation of the resolution in key thematic areas.

The survey provides an assessment of the evolution of risks and threats and the impact of the implementation by Member States of resolution 1624 (2005). It also identifies gaps in the implementation and proposes new practical ways to implement the resolution.

I would be grateful if the present letter and report could be circulated as a document of the Security Council.

(*Signed*) H. S. **Puri**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Global survey of the implementation by Member States of Security Council resolution 1624 (2005)

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I. Introduction

1. Security Council resolution 1963 (2010) directs the Counter-Terrorism Committee Executive Directorate to submit, by 31 December 2011, a global survey of the implementation by Member States of Security Council resolution 1624 (2005).

2. Security Council resolution 1963 (2010) further directs that the survey shall, inter alia:

- Assess the evolution of risks and threats and the impact of the implementation by Member States of resolution 1624 (2005)
- Identify gaps in implementation
- Propose new practical ways to implement the resolution

3. The present survey, submitted pursuant to the above directives, addresses all relevant issues raised by resolution 1963 (2010) and ends with a number of conclusions and recommendations.

4. The survey was compiled on the basis of information from several sources. It is based in part on reports submitted by Member States to the Counter-Terrorism Committee pursuant to paragraph 5 of resolution 1624 (2005), which calls upon all States to report on the steps they have taken to implement the resolution. As at 31 October 2011, 113 States had submitted reports on their implementation efforts. It also draws upon supplementary information provided by 35 States in response to a request of 27 May 2011 by the Chair of the Committee to States that had previously submitted reports. The Executive Directorate is grateful to those States that provided this information.

5. The survey is further based on information received from several international, regional and subregional organizations in response to a letter from the Executive Director of the Executive Directorate requesting information on their work relevant to the implementation of the resolution. This information was especially valuable in view of the request made by the Security Council in the resolution that the Committee work with States to help build capacity, including by sharing best legal practice and promoting exchange of information. Lastly, the survey is based on information gathered by the Executive Directorate in the course of its normal work activities (including country visits conducted on behalf of the Committee).

6. The Committee has previously submitted two reports to the Council on the implementation by Member States of resolution 1624 (2005), pursuant to paragraph 6 of the resolution.[1] Those reports were essentially summaries of the information submitted by States in their reports to the Committee. The present survey goes further, in accordance with the mandate contained in resolution 1963 (2010), by providing not just a compilation of information, but also an analysis of the implementation of the resolution to date; assessing the context in which the resolution is being implemented, as well as its impact; and making recommendations on how implementation can be strengthened.

7. The survey was prepared in recognition of the fact that, at its core, resolution 1624 (2005) is concerned with the prevention of terrorism. The resolution refers to the prohibition and prevention of incitement to commit acts of terrorism

[1] S/2006/737; S/2008/29.

(hereinafter, "incitement"); strengthening of international cooperation to that end, including on border security; enhancement of dialogue and understanding among civilizations; countering incitement; and preventing the subversion of educational, cultural and religious institutions by terrorists and their supporters. It is thus concerned largely with aspects of social contexts that may be conducive to the spread of terrorism. The resolution also emphasizes the importance of ensuring that any measures taken to implement the resolution comply with States' obligations under international law, including their human rights obligations. By placing increased emphasis on the social context and on prevention, the survey represents a further step in the evolution of the work of the Committee and the Executive Directorate to counter terrorism in accordance with the relevant Security Council mandates.

II. Evolution of risks and threats and impact of implementation

8. More than six years after the adoption of resolution 1624 (2005), the risk and threat of incitement to commit acts of terrorism remain serious in most parts of the world. There are differences, however, in the level of risk and threat, including among States of the same region or subregion. In some States, incitement — both in public spaces and via electronic media, especially the Internet — occurs frequently, is pervasive and seems to find receptive audiences, creating a significant risk that terrorist acts will ensue. One State noted its concern at a variety of radical forces — including religious, nationalist, anarchist and separatist forces — that seek to destabilize the country and spark unrest. In the view of this State, such activity, in its most extreme form, often leads to violent extremism and loss of life. Other States consider the threat of incitement to be low, often because of domestic social or demographic conditions which, in their view, reduce the likelihood both of incitement and of resulting acts of terrorist violence. Nonetheless, even those States that report a low threat level stress that they maintain a high level of vigilance.

9. Although relatively few States are concerned with an imminent threat of incitement, nearly all States recognize the existence of the risk of incitement. One State observed that, while global counter-terrorism efforts had substantially weakened the leadership of the Al-Qaida organization, the source of the threat had shifted to groups affiliated with, but separate from the core organization, as well as to individuals affected by the ideology of such groups and by their incitement to violence. Several States stressed that terrorism must not be associated with any religion, nationality, civilization or group and that the terrorist threat stemmed from multiple sources, including extreme right-wing and xenophobic groups. The fact that incitement can be perpetrated by individuals or small groups of individuals is a matter of particular concern to some States. Most States made clear that the array of measures called for by resolution 1624 (2005) remained relevant to the maintenance of international peace and security and should therefore continue to merit the Committee's close attention.

10. The ability to engage in incitement depends on the ability to communicate. When considering the evolution of the risk of incitement, one must bear in mind that forms and means of communication have evolved substantially since the adoption of resolution 1624 (2005). Powerful communications media — particularly the Internet and mobile telephone technology — now carry messages to all corners of the globe, enabling anyone with any kind of message to reach vast audiences, almost instantly. When the resolution was adopted, many States were only just beginning to address

the challenge of Internet communications. The volume and forms of messaging to be found on the Internet and elsewhere have since increased dramatically.

11. It should be added that, in some parts of the world, access to high-technology communication — especially the Internet — is limited, and that the means of incitement that might be used in those parts of the world are therefore more traditional. There is a need for further research on the impact of different forms of communication on the risk and threat of incitement and thus of terrorist acts. Nonetheless, it may be stated that the rapid evolution in communications technology has, overall, made the risk of incitement worldwide greater today than it was in 2005. It should be added, however, that (as also noted below) advances in communication also offer promising new avenues for countering terrorist narratives.

12. Most States have adapted their criminal laws to prohibit incitement in accordance with resolution 1624 (2005). Perhaps in consequence, some have successfully prosecuted and convicted individuals for incitement or for otherwise supporting acts of terrorism. Some States have prevented the international movement of persons suspected of being guilty of incitement or denied them safe haven. There has also been progress in the exchange of information concerning such individuals — notably through the International Criminal Police Organization (INTERPOL) — as well as in cooperation in border security.

13. Many international conferences, workshops and academic studies have been conducted with the aim of clarifying the precise nature of incitement and its methodologies and of identifying effective criminal justice and other responses. Substantial resources have also been invested — at the national, regional and international levels — in initiatives aimed at enhancing dialogue and understanding among civilizations and at countering incitement motivated by extremism and intolerance. All such measures have undoubtedly served to raise awareness, develop common understanding and counter the risk and threat of incitement. This progress is in part the result of the implementation by States of resolution 1624 (2005).

14. However, international human rights bodies and others have also raised the concern that certain measures aimed at tackling incitement may have been excessive or overreaching and may have infringed on human rights, including the rights to freedom of expression and freedom from discrimination. This could be counterproductive, as it creates the risk that certain communities may become alienated from national and international counter-terrorism efforts. Implementation of resolution 1624 (2005) is especially challenging owing to the different definitions given by States to incitement and to the term terrorism itself. It should be recalled that the resolution states, in paragraph 4, that States must ensure that any measures taken to implement the provisions of the resolution comply with all their obligations under international law, in particular international human rights law, refugee law and humanitarian law.

15. In a broader sense, the degree to which the risk and threat of incitement evolves will likely depend upon the progress made by States in addressing the "conditions conducive to the spread of terrorism", as defined by the General Assembly in its 2006 Global Counter-Terrorism Strategy.[2] Those conditions include, inter alia, prolonged unresolved conflicts; dehumanization of victims of terrorism in all its forms and manifestations; lack of the rule of law and violations of human rights;

[2] General Assembly resolution 60/288.

ethnic, national and religious discrimination; political exclusion; socio-economic marginalization; and lack of good governance. All these conditions give rise to grievances or create conditions that are ripe for exploitation by individuals from various backgrounds, religions and beliefs who are determined to incite terrorist acts. Both the General Assembly and the Security Council have clearly stated that none of these conditions can excuse or justify acts of terrorism. It should also be noted that many Member States are making serious efforts to address these conditions. Nonetheless, as long as such conditions persist, it is likely that both the risk and threat of incitement worldwide will remain significant.

III. Assessment of implementation of resolution 1624 (2005) by region

A. Africa

1. Legal measures, including measures to prohibit and prevent incitement

16. Although the overall level of reporting by African States is low, the Committee and Executive Directorate have received considerable information on their implementation of resolution 1624 (2005) through country visits and other forms of information-sharing. Several States of the region have specifically criminalized incitement to commit acts of terrorism, and many of those that have not yet done so either include incitement in their criminal codes as a generic offence or criminalize other relevant accessory offences, such as complicity, instigation or provision of material support. Some States are considering further amendments to their criminal codes in order to implement the resolution. Several States have criminalized "justification" of acts of terrorism, while others state that they have enacted relevant legislation on the basis of the Arab Convention on the Suppression of Terrorism.

17. Several States refer to measures in place to prohibit incitement to racial, religious or other forms of discrimination, hatred or violence, or to prohibit the support of war crimes or crimes against humanity. One State has taken security measures to monitor and detain extremists and curb their activities and to curtail their propaganda. Some African States appear to criminalize incitement through laws that are overbroad (e.g. laws that criminalize threats to State security generally, without further elaboration).

18. Some African States have established coordinating bodies involving law enforcement agencies and other authorities to promote coherence in their counter-terrorism efforts, including with respect to incitement. Many have also strengthened their cooperation on border security with other African States or (as in North Africa) with European States. All States cooperate to varying degrees with INTERPOL.

19. At the regional level, the African Centre for Studies and Research on Terrorism, established under the auspices of the African Union, noted that all relevant African Union instruments, including the Convention on the Prevention and Combating of Terrorism, refer to the threat of incitement, the necessity of criminalizing it and the need for coordinated international responses. Incitement is also criminalized in the African Union Comprehensive Anti-Terrorism Model Law, adopted in July 2011. The Capacity-Building Programme against Terrorism of the Intergovernmental Authority on Development helped to promote the Model Law in Eastern and North-

Eastern Africa. The Programme was relaunched as the Intergovernmental Authority on Development Security Sector Programme in October 2011 and intends to be more active in this area, including through conferences on de-radicalization and community engagement to counter terrorism.

2. Enhancement of dialogue and understanding

20. Many African States strongly support the United Nations Alliance of Civilizations and other similar initiatives, including those of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Organization of Islamic Cooperation (OIC), the Islamic Educational, Scientific and Cultural Organization and, in the context of Europe and the Mediterranean, the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures, based in Alexandria, Egypt.

21. At the national level, one State reported that its society was both multi-ethnic and multireligious, and that promotion of tolerance (including religious tolerance) was a fundamental objective and principle of State policy, as enshrined in its constitution. This State noted that it used the media and targeted programmes to promote tolerance and dialogue among all faiths and ethnic nationalities and that many of its constituent States had established interfaith committees or groups comprising different religious leaders to promote understanding and tolerance. Another State reported that it had set up an institute devoted to its various national cultures and that it had held many forums, at the national and international levels, to engage in dialogue and exchange views on civilizations, including with Asian and European States. It has also set up a Council on People's Friendship, which works towards the same objective and represents a form of popular diplomacy that serves to strengthen relations and mutual understanding. This State has also set up an interreligious council and, within its Ministry of Guidance and Endowments, a Department of Churches and a Commission for Non-Muslim Rights.

3. Countering incitement motivated by extremism and intolerance

22. One State noted that its Ministry of Guidance had established an awareness-raising programme that called for moderation and reasonableness in the presentation of religious views, and that an organization led by a well-known national intellectual had been established to mediate in religious matters. Moreover, working in coordination with religious scholars and intellectuals, the security authorities had established a successful programme to counter ideas advocated by certain extremists. Another State stressed the role of the media and noted that its broadcasters had been mandated to strengthen efforts to spread a culture of peace and tolerance, including in the area of children's programming. With respect to the Internet, this State has also worked to protect the public (particularly young people), including by creating websites on various religious topics.

23. One State has pursued counter-radicalization efforts among militant groups and supported the production by these groups of publications countering extremist ideology. These publications, including one that repudiated Al-Qaida, have been distributed internationally, including on Internet sites. Individuals imprisoned for terrorist activities who demonstrate over time that they have abandoned their terrorist beliefs and ideologies are conditionally released, monitored and sometimes engaged by the Government, universities, research centres or non-governmental

organizations (NGOs) to work on counter-terrorism initiatives. This State has introduced rehabilitation programmes that help released individuals to reintegrate into society, including by promoting their access to higher education and helping them to find employment.

24. One State noted that its law did not permit the establishment of faith-based political parties and that the existence of many interfaith marriages had helped to strengthen tolerance among religions. It also noted that the national identity card made no mention of religion or ethnic origin.

25. The African Centre for Studies and Research on Terrorism informed the Executive Directorate of several African programmes for the de-radicalization and rehabilitation of persons involved in terrorism, some of which might be considered as best practices. It noted its concern about individuals who, having left their States to study abroad, had become radicalized and then returned home to preach intolerance. Some States are trying to address this problem through dialogue with potential terrorists in order to change their ideas through intellectual engagement. The Centre noted that some African States were addressing the problem through a dual approach, incorporating an operational element (based on intelligence-gathering and monitoring) and a community-based approach (based on close relations between local authorities and community religious leaders and intellectuals). It recognized that these processes required considerable effort, patience and understanding.

4. Preventing the subversion of educational, cultural and religious institutions

26. One State noted that, although its authorities were not unduly concerned at radicalization in most of its communities, there was uncertainty with respect to recent émigré communities, as well as persons who had recently returned from abroad. Any trends toward radicalization in educational institutions would fall under the authority of the Ministry of Education. Moreover, although there were no relevant regulations in place, programmes provided by religious institutions were, in practice, subject to various forms of oversight by their respective communities. Another State noted that its Ministry of Education, assisted by the Ministry of Religious Affairs, had introduced national rules governing programmes implemented in schools and in cultural and religious institutions and that inspectors monitored the implementation of such programmes.

27. One State noted that even though foreign preachers could move freely around its territory, their religious activities were monitored and they were not permitted to deliver radical sermons. Another State noted the need for involvement of all Government sectors in this area, including ministries responsible for education, culture, religious affairs and worship, and the media. It had introduced civic education into the school system, reviewed the curricula of religious schools, and set up programmes to promote human rights and international humanitarian law. With respect to religious affairs and worship, this State had initiated programmes and events designed to reappropriate the tenets of religion and reform religious education. It had also supported the production of films, as part of a campaign against fundamentalism and obscurantism, and established new libraries and cultural centres. The importing of certain religious publications was monitored, with due respect to the rights to freedom of conscience and religion.

5. International law, including human rights

28. Several States of the African region stressed their determination to ensure that measures designed to safeguard the public from terrorist acts were taken within the law and in conformity with their obligations under international law. Several States also noted that, in accordance with their respective constitutions, the provisions of international treaties, once ratified, took precedence over domestic law.

B. Asia

1. Legal measures, including measures to prohibit and prevent incitement

29. Several States of the Asia region have criminalized incitement to commit terrorist acts. Others are considering amending their criminal legislation for the same purposes. Whether or not they have specific measures in place, most Asian States consider that they can cover acts of terrorist incitement through legal provisions prohibiting incitement to commit any criminal act or other accessory offences, such as threatening, acting as an accomplice or assisting in the commission of such acts.

30. One State noted that, while its Constitution guarantees the right to freedom of expression, the right may be subject to reasonable restrictions, including in the case of speech amounting to incitement. That State further expressly criminalizes incitement to commit a terrorist act. Another State has introduced a draft amendment to its counter-terrorism law that would criminalize incitement where the perpetrator both intended to incite the commission of a terrorist act and where such act, "whether or not directly advocating the commission of a terrorist act, causes a danger" that such an act might be committed. This amendment, which is in line with article 5 of the Council of Europe Convention on the Prevention of Terrorism, would impose a penalty of 30 years' imprisonment on offenders. In the case of some States, measures prohibiting incitement appear to be vague or overbroad.

31. Concerning internal coordination, many Asian States have established centralized agencies or bodies with mandates to coordinate counter-terrorism activities and analyse related intelligence, including with respect to incitement. These agencies and bodies are often responsible for information exchange with other States, international organizations and other partners. Several States provided the Executive Directorate with lists of bilateral and multilateral agreements reached with other States, as well as initiatives such as "hot lines", operating both in Asia and beyond, for the exchange of relevant information, denial of safe haven, mutual legal assistance and other forms of cooperation.

32. One State noted that its national police force deployed about 500 community intelligence officers to areas frequented or inhabited by mixed populations to closely monitor possible conflict or instigation by extremists or terrorists. Another stated that it had launched a campaign for its population to participate in national security defence and had instructed its agencies to disseminate information and mobilize various non-Governmental actors to join in the protection of national security. Another State noted that the main responsibility for prevention was vested in the national army and its intelligence directorate and noted that the presence of refugee camps on its territory posed a particular challenge.

33. Asian States have undertaken numerous initiatives to strengthen border security, including the introduction of enhanced passenger-screening processes for air and sea travellers; the introduction of biometric identification systems and other enhanced security features into identification documents; and the establishment of programmes to develop integrated and automated alien registration and monitoring systems. Several States mentioned the important roles played by the Association of Southeast Asian Nations (ASEAN) Association of Heads of Police, the Gulf Cooperation Council and INTERPOL in this regard.

34. The League of Arab States noted that paragraph 3 of the Arab Convention on the Suppression of Terrorism had been amended in 2008 to include incitement to commit terrorist acts. The Gulf Cooperation Council is developing model guidelines for preventing use of the Internet by persons involved in terrorist activities.

2. Enhancement of dialogue and understanding

35. Asian States are involved in many initiatives at the international, regional and national levels to enhance dialogue and understanding among civilizations. Several States highlighted the importance of the Asia-Europe Meeting, which is an informal process of dialogue and cooperation involving 19 Asian States, the ASEAN Secretariat and European Union member States. The Fifth Asia-Europe Meeting Interfaith Dialogue of 2009 led to the adoption of the Seoul Statement on Interfaith Dialogue. The Seventh Asia-Europe Meeting Interfaith Dialogue was held in Manila in October 2011.

36. Initiatives have also been launched within the framework of the Non-Aligned Movement. In March 2010, the Government of the Philippines hosted the Special Non-Aligned Movement Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development, at which the Manila Declaration and Programme of Action were adopted. Several States have ratified and promoted the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. One East Asian State mentioned a series of seminars on dialogue with the Islamic world, held in partnership with a West Asian university.

37. Many initiatives are taking place at the national level. One East Asian State informed the Executive Directorate that it worked with civil society and religious groups to promote interfaith dialogue at the grass-roots level, for example through conferences bringing together leaders of various religious faiths. This State has developed a community-based education manual based on the concept of "tri-people" (Christians, Muslims and indigenous peoples living in particular regions) and is integrating peace education into the school system. One West Asian State has established a national committee for Islamic-Christian dialogue and recently organized a comprehensive "spiritual summit". Many States have taken national measures in support of the Alliance of Civilizations. One State noted that it had established an international centre for interfaith dialogue and had organized and hosted many related events.

3. Countering incitement motivated by extremism and intolerance

38. Several States of the Asia region have actively supported the development of counter-narratives, including for use on the Internet, in order to challenge the ideological and religious flaws underpinning terrorist ideologies. Some have cooperated closely in this area with United Nations entities, including the Counter-

Terrorism Implementation Task Force Working Group on Countering the Use of the Internet for Terrorist Purposes.

39. Another area in which several Asian States have been active is the development of rehabilitation programmes for persons who are detained or imprisoned in connection with their alleged or proven involvement in terrorist acts. These multifaceted programmes address the alleged religious justifications for terrorist activity and take into account broader social issues and personal situations that may contribute to the choice to resort to terrorism. One State supplements its work in this area with online operations, including "cyber dialogues" with extremists aimed at persuading them to renounce extreme ideologies. The League of Arab States stated that its Expert Group on Counter-Terrorism had recently emphasized the importance of countering terrorist ideologies and had asked its Secretariat to compile the experiences and reports of States in this area and to disseminate success stories.

40. Some States cited criminal laws prohibiting incitement of hatred, stigmas and ethnic division. One State has put in place a programme of "motivational measures" through which it conducts outreach to religious and other social communities in an effort to draw attention to the values of peace and tolerance. Another described a successful mechanism for coordination among ministries, agencies and localities to address disputes and religious and ethnic complaints. This State has set up mechanisms for coordination between national and international institutions and is gradually eradicating the conditions conducive to extremism and intolerance. It has also invested in socio-economic development and infrastructure, while also promoting communication and education on religious and ethnic policy.

41. One State described programmes to instil democratic values in young people, teach them to practise tolerance and instil the principle of moderation and acceptance of others; religious programmes (both audio and visual) to promote tolerance and reject any manifestation of extremism; and courses and workshops for preachers in religious institutions, emphasizing the dangers of terrorism and promoting religious sermons that are characterized by moderation. This State noted that numerous fatwas had been issued nationally on the rejection of extremism and terrorism with a view to orienting people towards moderate principles. Films and television programmes have been produced, publication of materials deemed inflammatory has been halted and the importing of such materials banned.

4. Preventing the subversion of educational, cultural and religious institutions

42. One State referred to a programme to promote an exchange of views between religious leaders of different faiths, aimed at fostering moderate education in religious schools. Another monitors non-profit foundations to ensure that funds are utilized in accordance with the principles stated in their articles of incorporation. However, this State added that no incidents relating to terrorism or the financing of terrorism through non-profit foundations have been discovered. Another State cited a number of lectures by religious leaders organized with the support of its Ministry of Endowments and Religious Affairs, aimed at promoting moderate religious discourse that disavows extremism, fanaticism and acts of violence.

43. One State has instituted reforms aimed at bringing privately funded religious schools into the mainstream education system, including by creating a special education board and requiring modernization of all curricula. This State also intends to improve training for teachers working in private religious schools and to enforce

a standard school-accreditation policy. Another State noted that the increase in the number of private religious schools had been due in part to challenges faced in providing basic education to all children. Privately operated schools were required to register within one year of their establishment and submit annual reports on their educational activities, and were expressly prohibited from publishing any literature promoting militancy, sectarianism or religious hatred. Schools that refused to register or that had links with proscribed terrorist organizations were closed down. This State has also worked to reform curricula that are confined largely to traditional theological subjects, with a view to including non-religious subjects such as mathematics, sciences and foreign languages.

44. Some Asian States, including some Pacific Island States, noted that they did not consider subversion of this kind to be an area of high concern. However, they also noted that any criminal activity, if detected, would be prevented or punished in accordance with their general legal provisions.

5. International law, including human rights

45. Several Asian States stressed their respect for their obligations pursuant to international law, and some noted the related provisions in their national constitutions. One State noted that all its national and local authorities were legally obliged to notify the national human rights institution when establishing rules that might affect or concern human rights. Another noted that it was making preparations to establish a national human rights institution. Several States referred to safeguards in place, including those relating to equality before the law, prevention of discrimination, respect for the presumption of innocence and due process in criminal cases, and compliance with the principle of non-refoulement. One State noted that its counter-terrorism law, adopted in 2007, provided that the law's implementation "shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution".

C. Eastern Europe

1. Legal measures, including measures to prohibit and prevent incitement

46. Most Eastern European States have criminalized incitement to commit terrorist acts. Those that have not yet done so rely instead on general provisions prohibiting incitement to commit any criminal act. Several States have criminalized the justification or glorification of terrorism. (Some international human rights bodies have expressed the concern that the definition of this offence is sometimes overbroad.) Several States referred to prohibitions in their criminal legislation against hate speech and advocacy of discrimination or violence based, for example, on religion, nationality or ethnicity. One State noted an amendment to its criminal code allowing municipalities to ban public assemblies three days in advance if they appear intended to defame a nation, race, ethnic or other social group or to incite criminal acts.

47. Some States of this region have assumed an obligation to criminalize the "public provocation" of incitement by ratifying the 2005 Council of Europe Convention on the Prevention of Terrorism, which defines public provocation as "the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, whether

or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed".

48. Several States have established central bodies to coordinate counter-terrorism activities (including activities aimed at incitement), comprising agencies responsible for various aspects of their national counter-terrorism programmes. Many such bodies include representatives of Government offices responsible for areas other than criminal law enforcement, such as labour and social affairs ministries. One State referred to the creation of a "joint intelligence working group" designed to facilitate sharing of relevant information.

49. Some States stressed the role of community policing in the context of preventing incitement, often referring to the European Union Community Policing in Preventing Radicalisation initiative, which highlights the importance of early detection and creation of partnerships between police, civil society and local communities to help prevent and counter violent radicalization. One State noted that it conducted police work in areas with heavy concentrations of foreign nationals and organizations that hired migrant workers, with a view to identifying persons who are recruiting for terrorist organizations or planning terrorist or extremist activities.

50. One State noted that incitement to commit acts of terrorism fell within the meaning of "extremist activity", which was prohibited by law and included public justification of terrorism, instigation of social, racial, ethnic or religious conflict and public calls for violent overthrow of the constitutional order. It stated that such conduct could also be covered by provisions prohibiting assistance to criminal activity and crimes motivated by political, ideological, religious or other forms of hatred. Its laws provide for the banning of organizations, and it has banned a number of organizations on grounds of involvement in terrorism or extremism. Its law enforcement agencies recently suppressed the activities of radical cells of religious organizations in several national regions.

51. Several East European States participate in the "Check the Web" project (launched under the German presidency of the European Union), which aims to strengthen international cooperation among police agencies and the European Police Office (Europol) in monitoring and evaluating open Internet sources that could contain messages of incitement. Several States are also working to improve their law enforcement agencies' knowledge of information technologies and cybersecurity. One State noted that it had recently blocked several Internet sites on the grounds that they were "propagandizing terrorist ideas". Another stated that its national counter-terrorism plan aimed to prevent the infiltration of radical ideas and their propagators into groups and communities, as a means of recruiting terrorists.

52. There is extensive cooperation in the region, in the area of border security. European Union member States work together within the framework of the Schengen Agreement and through the Warsaw-based European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Border cooperation also occurs in the context of initiatives of the Commonwealth of Independent States and the Organization for Security and Cooperation in Europe (OSCE). One State cited the example of individuals who had been denied entry over the past decade owing to suspicion of their involvement in international terrorist activity. Another referred to the risks of increased migration flows, radical movements and activation of international terrorist networks in the immediate vicinity of Europe, although it stated that it

detected no immediate threat to its territory. One State has established a system of interdepartmental cooperation to prevent entry by members of terrorist organizations, ideologues, fighters and financers of terrorism.

53. The Anti-Terrorism Centre of the Commonwealth of Independent States has paid close attention to the issues of terrorist provocation and instigation. It has promoted international cooperation through initiatives involving both law enforcement and special services and has included, in its 2011-2013 programme of action, the issues of countering provocation and the dissemination of extremist ideologies, including on the Internet and modern information technologies. It also places emphasis on prohibiting and blocking Internet sites that contain extremist materials and on the regulation of problems in this field.

54. OSCE has promoted the effective prohibition and prevention of incitement through many initiatives, including four expert workshops devoted to this theme, organized in part by its Action against Terrorism Unit between 2005 and 2010. OSCE, through its Strategic Police Matters Unit, also collects good policing practices and guidelines, including in relation to democratic policing and public-private partnerships. Much of the work of OSCE in this area is conducted through its field operations in the region.

2. Enhancement of dialogue and understanding

55. Several States of the Eastern European region belong to the Group of Friends of the Alliance of Civilizations and also participate in relevant Council of Europe, European Union and OSCE initiatives. One State is currently developing a national strategy for implementing Alliance of Civilizations projects in the areas of education, culture, labour and social affairs, law enforcement, administration of justice and foreign affairs. Another held an international seminar in 2009 on strengthening counter-terrorism cooperation and dialogue between Government agencies, the mass media and civil society. Representatives of civil society were invited to respond to a survey on terrorism risks, Government policy and related issues on an official website of the State counter-terrorism centre.

56. One State referred to a symposium held in December 2010 on the situation of Muslims in Central and Eastern Europe, which it had co-hosted with OIC and a national Muslim religious association. Another State mentioned a project of its Ministry of Labour and Social Policy to train Government officials in the cultures of recent immigrants and to educate recent immigrants on the culture of their host country. One State recently hosted a meeting of the Group of Eminent Persons of the Council of Europe on the project entitled "Living together in 21st Century Europe" and also organized an international conference on Christian-Jewish-Muslim interfaith dialogue. Another State noted that it had taken no specific national measures on dialogue and understanding, because there was no significant conflict or hatred among its different ethnic and social groups. However, it has attended international events focusing on such matters.

57. One State noted that it devoted considerable attention to this issue. Its Ministry of Internal Affairs worked with several non-governmental organizations, including human rights groups, to discuss unsatisfactory investigations and searches for persons involved in terrorist or extremist crimes. The Ministry also organized conferences and other events, together with spiritual leaders from traditional

religions, with the aim of involving civil society in combating terrorism through public information.

3. Countering incitement motivated by extremism and intolerance

58. Several States have developed national strategies and action plans to counter incitement. One State noted that it had developed a five-year national counter-terrorism strategy (currently undergoing public review), which would incorporate issues related to preventing and countering radicalization. It had also conducted seminars and workshops, at the community level, at which the media, private sector, academic experts and non-governmental organizations had discussed measures to counter radicalization. Another State referred to its public outreach efforts, conducted in part through the mass media.

59. Some States of this region implement the European Union 2005 Strategy for Combating Radicalisation and Recruitment to Terrorism, which aims to "disrupt the activities of the networks and individuals who draw people into terrorism; ensure that voices of mainstream opinion prevail over those of extremism; [and] promote yet more vigorously security, justice, democracy and opportunity for all". OSCE member States support projects in the context of the programme on countering violent extremism and radicalization that lead to terrorism, which promotes greater understanding of these phenomena, as well as the exchange of good practices and lessons learned.

60. In one State, officials use powers conferred by counter-extremism laws to issue warnings and give notice, through the mass media, that extremist activity is not permitted and to seek court orders to liquidate extremist organizations, ban their activities and halt their operations. This State has organized a seminar on "Developing measures to enhance the detection and removal from circulation of printed and audio-visual material whose content is aimed at instigating ethnic, racial or religious enmity". With the cooperation of civil society organizations, it continuously monitors mass media and the Internet for materials on planned and completed extremist offences and the activities of radical organizations. It has also produced a documentary on the criminal activities of radical Islamists and runs a programme for prisons aimed at preventing the ideological brainwashing of inmates by individuals serving sentences for involvement in terrorist or extremist activities.

61. One State promotes cooperation between Government and civil society by organizing events to counter xenophobia, ethnic or religious intolerance and hate speech. Recent events have included a round table on coexistence and tolerance between the Christian and Islamic civilizations in the Balkans, and other events have focused on integration of the Roma population. Its national security agency has issued guidelines on the identification and rehabilitation of young people who share the ideologies of extremist or radical organizations. Another State has developed a "Transition Promotion Program" with a prominent role for civil society that was used in its own recent experience with social transition and democratization, which it has shared with States in other regions that are undergoing major transformations in order to facilitate those processes.

4. Preventing the subversion of educational, cultural and religious institutions

62. One State noted that the best way to achieve this objective was to instil a sense of civic duty and the recognition that the public must report its concerns to law

enforcement authorities. Another stated that it had held 18 counter-terrorism training events over the previous year (mainly in educational and cultural institutions), and a third mentioned a conference on tolerance in inter-ethnic relations, organized by its Ministry of Internal Affairs, for students at leading universities and colleges.

63. One State cited a programme on cooperation between its national counter-terrorism centre and relevant institutions aimed at preventing the subversion of such institutions by terrorists and their supporters. It is also implementing the "School Cop" concept, through which individual police officers are assigned to schools to build trust and help in crime prevention. One State noted that it considered the risk of subversion of such institutions to be low but remained vigilant.

5. International law, including human rights

64. One Eastern European State noted that all its draft laws were reviewed by a parliamentary committee to ensure compliance with international legal obligations. Another stressed that all relevant measures must respect the principle of proportionality and should be designed to minimize their impact on freedoms and civil liberties. A third State highlighted the challenge of regulating incitement, noting that the legitimacy of limitations on freedom of speech and assembly were delicate issues that required a balanced response from the judiciary, the Government and the legislature. Under its constitutional court's jurisprudence, "only the most extreme forms of hate speech, i.e. incitement liable to provoke immediate violent acts, are presently outlawed". It also noted that acts of terrorism were defined as common crimes and dealt with under standard criminal procedures, rather than under special rules or by special tribunals.

D. Latin America and the Caribbean

1. Legal measures, including measures to prohibit and prevent incitement

65. Most States of Latin America and the Caribbean address the offence of incitement through general provisions criminalizing incitement with respect to any offence, as well as through provisions prohibiting aiding and abetting, counselling, or the provision of material support. Most States have either reformed their criminal codes or adopted a *lex specialis* to penalize incitement to commit terrorist acts. Some States noted that even though they did not consider the threat of terrorist incitement to be high, they continued to exercise vigilance. One State noted that the threat of the "lone wolf" terrorist posed a particular challenge to prevention efforts.

66. Several regional cooperation mechanisms have been established to enhance States' ability to collectively prevent incitement and deny safe haven in the Latin American and Caribbean region. Cooperation occurs within the framework of the Inter-American Committee against Terrorism of the Organization of American States. Within the framework of the Southern Common Market, a key mechanism is the Standing Working Group on Terrorism, which has an information-sharing function. The Tri-Border Tripartite Command serves a similar purpose for cooperation between Argentina, Brazil and Paraguay. In the Caribbean, cooperation occurs mainly within the framework of the Caribbean Community. Central American States cooperate through the Central American Integration System.

67. Forty parliamentarians from Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and the Bolivarian Republic of Venezuela met in Buenos Aires in July 2011 to sign the "Joint Declaration against Terrorism and Incitement to Terrorism", pledging to work together in that regard. The 22 member States of the Latin American Parliament have adopted a legal framework for policymaking and the implementation of joint projects in Latin America in areas such as prevention of incitement and countering hatred, as agreed in the Sao Paulo Declaration. In Central America and the Caribbean, the San José Dialogue process runs programmes on integration and the prevention of terrorism and incitement.

2. Enhancement of dialogue and understanding

68. States of this region demonstrate a strong commitment to enhancing dialogue and broadening understanding among civilizations. Many are members and supporters of the Alliance of Civilizations, and several highlighted initiatives relating to the eradication of discrimination and protection of the rights of indigenous peoples. There have also been initiatives at the national and international levels to promote the rights of people of African descent and for international cooperation relating to Holocaust education and research. Some States implement the principles adopted at the Special Non-Aligned Movement Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace and Development, held in March 2010 in Manila.

3. Countering incitement motivated by extremism and intolerance

69. Many efforts to counter incitement motivated by extremism and intolerance are directed at the problems of xenophobia, discrimination and racism. Virtually all States have put in place programmes and policies aimed at promoting tolerance among peoples, religions and civilizations, although few such programmes are primarily concerned with incitement to commit acts of terrorism. Some States have developed national plans against discrimination (including in follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance) and have also developed national plans in follow-up to the high-level meeting on inter-religious and intercultural dialogue, in implementation of General Assembly resolution 63/22. One State has established programmes entitled "The Way to Peace and the Strategy against Terrorism" and "Democratic Security and Human Rights", which have resulted in constitutional reforms designed to address relevant problems at their roots. The Inter-American Committee against Terrorism has also initiated, together with the Council of Europe and the Government of Spain, a bi-hemispheric workshop on countering radicalization and incitement to commit terrorism.

4. Preventing the subversion of educational, cultural and religious institutions

70. States of this region have generally not identified the subversion of such institutions by terrorists and their supporters as a major threat but remain alert to possible changes in this regard. States mainly address this issue through domestic intelligence-gathering. Several States stressed that they strove to ensure full respect for freedom of worship and belief.

5. International law, including human rights

71. All Latin American and Caribbean States stressed that they addressed implementation of the resolution while also striving to comply with their obligations under international law, including their human rights obligations. Several States referred to legal frameworks set up to implement obligations pursuant both to the United Nations and regional instruments, including the American Convention on Human Rights. Some States referred to training programmes for police and other law enforcement officials, and several referred to national mechanisms that played a role in this field, including, in one State, an independent commission of investigations that investigates complaints of abuse.

E. Western European and other States

1. Legal measures, including measures to prohibit and prevent incitement

72. Many States of this region have specifically criminalized incitement to commit a terrorist act. Those that have not done so cover this offence either through generic provisions criminalizing incitement or through ancillary offences such as aiding and abetting, solicitation, conspiracy or provision of material support. One State noted that it had broadened the basis upon which terrorist organizations could be listed in its Criminal Code to include organizations that advocate the commission of a terrorist act.

73. The criminalization of incitement in Europe was advanced by the adoption of the 2005 Council of Europe Convention on the Prevention of Terrorism. As at 31 October 2011, 28 States had ratified the Convention. As noted earlier, the Convention criminalizes the distribution of a message, with the requisite intent and causation of a danger, whether or not such message "directly" advocates terrorist offences. This latter element has raised some concern among human rights experts, including the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, on the grounds that it might be overbroad in calling on States to criminalize indirect advocacy. In a 2010 report on best practices, the Special Rapporteur suggested that States use the term "expressly" rather than "directly".[3]

74. European Union member States were also obligated to criminalize "public provocation" pursuant to 2008 amendments introduced to the 2002 European Union Framework Decision on Combating Terrorism. Similar concerns to those raised over article 5 of the 2005 Convention have been raised with respect to these amendments, on the grounds that they might permit the suppression of speech that did not rise to the level of incitement. Some human rights bodies have expressed concern over provisions in some Western European States criminalizing justification, glorification (or *apologie*) of acts of terrorism, although the European Court of Human Rights upheld a conviction for *apologie* in 2008.[4] Security Council resolution 1624 (2005), in its preamble, repudiates attempts at such conduct.

75. With respect to international cooperation, many States have strengthened intelligence-sharing among national law enforcement and intelligence agencies, as

[3] A/HRC/16/51, para. 30.

[4] *Leroy v. France*, App. No. 36109/03, European Court of Human Rights (2008).

well as with agencies of other States. The Five Country Conference created by Australia, Canada, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America uses fingerprint checks and other measures to strengthen border security and prevent identity fraud. In the European Union and other States, cooperation takes place within the framework of the Schengen Agreement and through the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Several States cited bilateral and multilateral agreements with other States on cooperation in countering terrorism and other crimes.

76. Community policing is a key feature of the prevention strategies of many States of this region. Several States referred to the European Union Community Policing in Preventing Radicalisation initiative, which highlights partnerships between police, civil society and local communities. One State noted that its police had a long tradition of working together with different ethnic communities. In 2010, this State launched a new forum for enhancing dialogue and information exchange between the police and various ethnic minority groups, with the aim of countering discrimination and racism. Another State stressed the importance of a community-based approach, noting that well-informed families, local communities and local institutions were the most effective defences against violent extremist ideologies. This State is developing community-based policing efforts while also adamantly avoiding stigmatizing or blaming communities for the actions of a few individuals.

77. One State noted that it had recently created several new posts in its federal police agency to monitor terrorist activities on the Internet and conduct preliminary investigations. As noted above, the European Union has also launched the "Check the Web" project, aimed at strengthening international cooperation among police agencies and Europol in monitoring open Internet sources that could contain messages of incitement.

2. Enhancement of dialogue and understanding

78. Many States and regional organizations have invested heavily in initiatives to enhance dialogue and understanding among civilizations at the international, regional and national levels. Many belong to the Group of Friends of the Alliance of Civilizations, and one stated that it had recently adopted its second national plan for implementing its objectives. The Council of Europe and the European Union have put in place numerous initiatives to enhance understanding. The Council of Europe's approach is based in part on the "White Paper on Intercultural Dialogue" adopted by the ministers for foreign affairs of its member States in May 2008. This White Paper sets out a conceptual and practical framework for enhanced dialogue in a number of social areas. One recent initiative based on the White Paper was the "Exchange on the Religious Dimension of Intercultural Dialogue" held in Ohrid, the former Yugoslav Republic of Macedonia, in September 2010. The European Union designated 2008 as the "European Year of Intercultural Dialogue" and organized a range of activities intended to enhance dialogue and understanding.

79. The Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures brings together people from States of the Mediterranean to enhance dialogue. As noted above, enhanced dialogue is also pursued between the European Union and Asian States within the framework of the Asia-Europe Meeting. In the Asia-Pacific region, Australia and New Zealand, together with Indonesia and the

Philippines, sponsor the Asia-Pacific Regional Interfaith Dialogue, which held its fifth meeting in Perth, Australia, in October 2009. There have also been initiatives to promote dialogue between Governments, the private sector and civil society, including a conference on secure trade, organized by the Asia-Pacific Economic Cooperation in September 2011 and a workshop organized the same month by OSCE on enhancing tourism security. Several States of this region support international student, scholar and teacher exchanges aimed at promoting understanding.

80. Some States acknowledged the value of such dialogue, but did not consider it a priority at the national level, partly due to their predominantly homogenous populations. Most States, however, attached great importance to dialogue as a way to provide different communities with opportunities to express views, air grievances and contribute to national policymaking and strategies. Many States have established Government-funded offices to receive and address the concerns of members of different ethnic, religious and cultural communities.

81. One State cited its national plan for the integration of migrants, which stressed investment in educational initiatives. Another has established a foundation for pluralism and coexistence that focuses on preventing intolerance and violence by integrating religious minorities and improving understanding of minority groups. Another has created an interdepartmental working group on migration to implement measures to encourage integration, including in the areas of language skills and employment training, to promote dialogue with immigrants and to monitor xenophobia, racism and extremism.

3. Countering incitement motivated by extremism and intolerance

82. Several States have adopted broad national counter-terrorism strategies that include programmes for countering incitement. One State supports a major research and training initiative, involving scholars, policymakers and practitioners, to understand how violent extremism develops within individuals, groups and societies and consider effective ways to address it. Like other States in the region, it has launched a national strategy to empower local partners to counter and prevent violent extremism. One State cited a broad anti-radicalism plan, adopted in 2006, which aims to combat radicalization while also protecting democratic values. Another has adopted a national strategy consisting of guidelines and measures to address conditions conducive to the spread of terrorism and prevent radicalization. It stated that cooperation between Government and civil society was an essential part of efforts to prevent people from turning to terrorism and noted that it was stepping up its efforts to identify and investigate Internet hate speech.

83. One State referred to a European Union initiative that included a seminar on the prevention and identification of the radicalization of young people, which had resulted in recommendations for involving civil society, the private sector, teachers and others in addressing the problem. Another stated that it had organized a round-table meeting on violent radicalization, in September 2011, attended by representatives of other European States and overseas observers. One State had established a multifaceted diversity and social cohesion programme, in 2010, aimed at promoting mutual respect and a sense of belonging for everyone and at building community resilience. According to another State, any comprehensive State-led response to counter extremism must consider communities themselves as an integral

part of the national security framework. This State had promoted increased engagement with the media by different communities, warned of the potential isolation of communities and pressed Government agencies to understand the communities with which they engaged and allow healthy debate in order to prevent violent extremism.

84. At the regional level, the European Union launched, in September 2011, the Radicalisation Awareness Network, designed to connect key groups involved in countering violent radicalization across the European Union, including researchers, social workers, religious leaders, youth leaders, law enforcement officials and others. According to the European Union Home Affairs website, the Network will focus on how to challenge terrorist narratives and recruitment, including by encouraging credible opinion leaders to voice positive messages offering alternatives to terrorist narratives. It also aims to promote policy contributions at the national and European levels, including for implementing the 2005 European Union Strategy for Combating Radicalisation and Recruitment to Terrorism. As noted above, OSCE States support projects within the framework of the programme on countering violent extremism and radicalization that lead to terrorism.

4. Prevention of the subversion of educational, cultural and religious institutions

85. One State noted the important role played in this area by its Office for Ethnic Affairs, which works to promote knowledge of community organizations and strong, positive working relationships with different ethnic groups. It encourages communities to be self-monitoring and to counter polarizing views without Government interference as a more sustainable way to prevent radicalization within communities. Another State referred to a programme on "safe schools and healthy students" in which several Government departments work together to prevent violence and other problems in schools. One State noted that it had implemented initiatives to encourage interreligious and intercultural dialogue in schools and that one of its universities had introduced a course for religious leaders aimed at bringing out the democratic aspects of religious teachings and preventing the subversion of schools by extremists.

86. One State considered the risk of subversion of such institutions to be low and entrusted this area to the routine monitoring of its intelligence agencies. However, it also stated that in the area of education, its basic curricula included the teaching of intercultural dialogue and understanding for all students, including those of immigrant backgrounds. This State has few private educational institutions, but those that are affiliated with particular ideologies or educational philosophies must support the achievement of the national educational objectives established by the Government. Moreover, education cannot require students to commit themselves personally to adopting particular ideologies.

5. International law, including human rights

87. Several States referred to article 12 of the 2005 Council of Europe Convention on the Prevention of Terrorism, pursuant to which States parties must ensure that measures taken to implement the Convention respect human rights obligations, in particular the rights to freedom of expression, freedom of association and freedom of religion. Article 12 further provides that implementation measures "should be subject to the principle of proportionality, with respect to the legitimate aims

pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discriminatory or racist treatment".

88. One State reported that its national counter-terrorism strategy required that the actions of authorities be consistent and transparent and ensure respect for the rule of law, democracy, fundamental rights and good governance. Another noted that its federal constitution provided for particularly robust protection for freedom of speech. European Union member States referred to their obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms and to the relevant jurisprudence of the European Court of Human Rights. Many States stressed the importance they attached to the right to freedom of expression and provided information on how they sought to reconcile this position with measures to prohibit and prevent incitement.

IV. Gaps in the implementation of resolution 1624 (2005)

89. In reviewing reports submitted by States on their implementation of resolution 1624 (2005) and other information, including information submitted by international and regional organizations, the Executive Directorate has identified several implementation gaps that may merit further attention.

A. Human rights challenges

90. Paragraph 4 of resolution 1624 (2005) stresses that "States must ensure that any measures taken to implement paragraphs 1, 2 and 3 of this resolution comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law". This reflects the Council's recognition of the potential impact that improper implementation of the resolution could have on these international legal obligations.

91. In this regard, United Nations human rights bodies have raised concerns over interpretations given to the concept of "incitement" by different States. There are concerns that anti-incitement provisions in some States may be vague or overbroad, potentially covering non-violent political expression or other forms of advocacy and creating the risk that implementation could infringe on the right to freedom of expression or other rights. This situation is further complicated by differences of view regarding the definition of the term "terrorism" itself.

92. These divergent approaches could have both national and international implications for implementation of the resolution. At the national level, the overbroad application of the resolution's provisions may violate States' human rights obligations, which would be counter to the provisions of paragraph 4 of the resolution. Internationally, these divergences could create obstacles to effective cooperation (including in the areas of extradition, denial of safe haven and refugee protection) especially where there are grounds to fear that incitement charges are being misused for political purposes. The provisions of paragraph 2 of the resolution, on international cooperation and strengthened border security, depend to a significant extent on proper qualification of incitement-related offences.

93. The challenges involved in ensuring full respect for the right to freedom of expression while also subjecting exercise of the right to certain legitimate

restrictions have long been recognized. Article 19 of the International Covenant on Civil and Political Rights specifies that restrictions "shall only be such as are provided by law and are necessary: (a) for respect of the rights or reputations of others; [or] (b) for the protection of national security or of public order (ordre public), or of public health or morals". These principles have been applied in various ways with respect to incitement. For example, some States criminalize speech that justifies, "glorifies" or encourages acts of terrorism, while others criminalize expressive conduct using other terms and concepts that they consider are provided by law and necessary for protection of national security or of public order. These issues require careful consideration, especially since measures that are vague or overbroad run the risk of being counterproductive.

94. Other human rights questions are raised by the resolution's call on States to "take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters" (para. 3). Even though the legitimacy of these goals is beyond dispute, measures taken to implement them could have serious implications for rights, including the rights to freedom of thought, conscience and religion. United Nations human rights mechanisms have expressed concern, for example, over steps taken by some States to curtail, and in some cases criminalize, the activities of certain religious groups or their members.

95. Even though there may be room for a flexible approach to these issues, it seems clear that international cooperation in implementing resolution 1624 (2005) will suffer unless States ensure that they address the resolution's provisions while fully respecting human rights, including through compliance with the principles of legality, necessity and proportionality. Moreover, to guard against misapplication of anti-incitement provisions, implementation would benefit if enforcement measures were subject in all cases to oversight by independent judicial bodies, in accordance with the rule of law. To the extent that these safeguards are not implemented, there will be gaps in effective implementation.

B. The Internet and other modern communications technologies

96. The question of incitement conveyed over the Internet and through other new means of communication presents a difficult challenge and a potential gap in implementation, for both legal and technical reasons. The challenge of the Internet is that it is ubiquitous, intangible and elusive. It can be difficult to identify the author and provenance of messages of incitement. Even though the originator of a message may be in one State, the servers used to convey the message may be in others, and broadcast of the message may occur in yet more States. Thus, measures taken in one State to block Internet communications on appropriate grounds may be easily circumvented. From a law enforcement perspective, there are complicated problems of jurisdiction, as well as technical challenges related to investigation and prosecution, when criminal activity is dispersed over several States.

97. The Internet, mobile phones and other rapidly evolving technologies are now central elements of social discourse throughout much of the world. The benefits they offer in terms of the free exchange of ideas are clear. However, there can be no

doubt that expression through these media, like other forms of public expression, is subject to the requirements of international human rights law.

98. Numerous initiatives are now under way internationally to address the question of expression over the Internet. The Internet Governance Forum works to foster global discussion on issues related to Internet usage. Efforts are also taking place under the auspices of the International Telecommunication Union. At the United Nations, the Counter-Terrorism Implementation Task Force Working Group on Countering the Use of the Internet for Terrorist Purposes has addressed in depth the challenges involved in countering misuse of the Internet as a means for disseminating content relevant to advancing terrorist purposes, notably in a 2009 report.[5] Initiatives are also taking place at the regional level (e.g. the above-mentioned "Check the Web" project of the European Union and the Budapest Convention on Cybercrime) and, in the private sector, by companies including Google and Microsoft.

99. Such initiatives demonstrate how the challenge of incitement to imminent violence over the Internet might be addressed effectively and lawfully. For example, the Working Group report cites measures in a small number of States that could facilitate the removal of terrorism-related content from the Internet. This objective is complicated by the lack of clarity over what material may constitute incitement to imminent violence per se, and the obligation not to violate the right to freedom of expression. The report notes that positive results have also been achieved through partnerships with the voluntary participation of private companies, including Internet service providers. Although such measures should be further considered, it is important to note that all initiatives to address expression over the Internet must be implemented with respect for the right to freedom of expression and other rights. The difficulties involved in addressing this issue could represent a significant gap in the effective implementation of the resolution.

C. Preventing the subversion of educational, cultural and religious institutions

100. In reviewing States' submissions on their implementation of the resolution, the Executive Directorate noted that relatively little attention was paid to the provision calling upon States to "prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters" (para. 3). There could be several reasons for this. Most fundamentally, any regulation touching upon such institutions is sensitive, since it would impact directly on such rights as those to freedom of access to information and ideas; cultural freedom; and freedom of thought, conscience and religion. The development of regulatory frameworks in this area is thus challenging in a substantive sense and is further complicated in many States where there are limited human and financial resources available. There are added complexities where such institutions receive support from foreign States and entities. The Executive Directorate considers that this area deserves further study and action to achieve more effective implementation of the resolution.

[5] United Nations Counter-Terrorism Implementation Task Force, "Countering the Use of the Internet for Terrorist Purposes", available from www.un.org/en/terrorism/ctitf/pdfs/ctitf_internet_wg_2009_report.pdf.

D. Limited resources on best legal practice

101. Security Council resolution 1624 (2005) directs the Counter-Terrorism Committee to include in its dialogue with Member States their efforts to implement the resolution, and to work with them to help build capacity, including by sharing best legal practice and promoting exchange of information. The Committee has posted on its website a preliminary list of international good practices, codes and standards for implementation of the resolution, drawn mainly from international organizations.[6] As with the above-mentioned issue of preventing the subversion of certain institutions, there is a need to add to the list further information and good practices, in particular from States that have developed innovative approaches to different aspects of the resolution in order to close this gap in implementation.

V. New practical approaches

102. The Executive Directorate has identified a number of new practical approaches that could help strengthen implementation of the resolution (some of which were brought to its attention by States and international and regional organizations).

A. Criminalizing incitement while protecting the right to freedom of expression

103. Although there is no international standard on anti-incitement measures, a number of international and regional organizations and civil society organizations have devoted resources for helping to clarify the elements of a balanced and lawful approach. The United Nations Office on Drugs and Crime addressed the issue in depth, for example, in a working paper on "Preventing Terrorist Acts: A Criminal Justice Strategy Integrating Rule of Law Standards in Implementation of United Nations Anti-Terrorism Instruments".[7] In addition to providing legislative-drafting and other assistance to States on implementation of resolution 1624 (2005), the Office is currently developing a technical assistance tool to deal with legal issues arising in investigation and prosecution of cases involving use of the Internet for terrorist purposes, including acts of incitement. This manual will be published in the first half of 2012.

104. The Council of Europe has studied approaches taken by States to implement article 5 of the 2005 Convention on the Prevention of Terrorism, including through its Committee of Experts on Terrorism and the Committee of Legal Advisers on Public International Law. This work has been guided by relevant rulings of the European Court of Human Rights. OSCE, including through the Action against Terrorism Unit and the Office for Democratic Institutions and Human Rights, has held events to clarify the issue, including a workshop co-organized in December 2010 by the Action against Terrorism Unit and the Executive Directorate in Tashkent, in cooperation with the Government of Uzbekistan, on "Terrorism Prevention: Effective Strategies for Countering Incitement and Violent Extremism".

[6] Available from www.un.org/en/sc/ctc/docs/bestpractices/res1624.pdf.

[7] Available from www.unodc.org/pdf/terrorism/TATs/en/3IRoLen.pdf.

105. As the present survey makes clear, the offence of incitement is widely recognized in criminal law, but its precise scope has been subject to different interpretations. One notable project that addressed the outlines of incitement was a series of expert workshops organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on implementation of article 20 of the International Covenant on Civil and Political Rights. The focus of article 20 differs from that of resolution 1624 (2005) in that it addresses advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, rather than incitement to commit acts of terrorism. However, there are commonalities in approaches to implementation.

106. Among the papers prepared for the OHCHR workshops were submissions by three Special Rapporteurs of the Human Rights Council,[8] which examined differing approaches to prohibiting and preventing incitement and made suggestions for enhancing the effectiveness of those efforts. The Special Rapporteurs stressed the need to draft legislation clearly and to introduce specific provisions ensuring respect for the principles of necessity and proportionality. They also suggested that effective anti-incitement strategies required more than legal measures alone and should include measures in the areas of intercultural dialogue and education. Their conclusion was that "the strategic response to hate speech is more speech". This may be a useful prescription with regard to preventing incitement to commit acts of terrorism. Further such initiatives can help clarify the meaning and limits of "incitement", in particular to ensure respect for the right to freedom of expression.

B. Enhancing dialogue at the national and community levels

107. Security Council resolution 1624 (2005) calls upon States "to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures" (para. 3). It is evident that States take this call seriously and devote substantial resources to this activity. In addition, many States have provided information on their efforts to enhance dialogue and broaden understanding at the national and community levels. This suggests a synergy between international, national and community efforts to enhance dialogue.

108. The preamble to resolution 1624 (2005) stresses "the importance of the role of the media, civil and religious society, the business community and educational institutions in those efforts to enhance dialogue and broaden understanding, and in promoting tolerance and coexistence, and in fostering an environment which is not conducive to incitement of terrorism". In the preamble to its resolution 1963 (2010), the Security Council recognizes the important role to be played by local communities, the private sector, civil society and the media in efforts to increase awareness of the threat of terrorism and to counter that threat more effectively. The Council also called upon the Executive Directorate to interact, as appropriate and in consultation with the Committee and relevant Member States, with civil society and other relevant non-Government actors as part of its efforts to support the

[8] Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; available from www2.ohchr.org.

Committee's work to monitor the implementation of resolutions 1373 (2001) and 1624 (2005).

109. In view of this provision and guidance from the Committee, the Executive Directorate has initiated a series of regional workshops on the implementation of resolution 1624 (2005) that bring together Governments, academic experts, civil society representatives and others to identify ways to enhance dialogue and more effectively work together to promote the goals of the resolution. Further developing the engagement of national and community-level actors could help achieve more effective implementation of the resolution.

C. Countering incitement motivated by extremism and intolerance

110. Many States have taken steps not only to prohibit incitement through criminal legislation, but also to counter it through strategies that include action in the areas of social, educational, religious and information policy. They argue that the flawed underpinnings of terrorist ideologies can be challenged by bringing debate and discussion into the open and by facilitating active participation by all stakeholders concerned. This can be achieved in many ways, including through public events such as community forums and by countering terrorist incitement online. Such exercises run little risk of becoming redundant, since every opportunity taken to expose terrorist ideologies to public scrutiny and criticism can contribute to their continuing erosion. Providing space in which to challenge the arguments of terrorists and their supporters can also provide affected communities with the chance to offer input into Government counter-terrorism policies. This can help ensure that such policies enjoy greater support going forward.

111. One way to expose the illegitimacy of the terrorist narrative is through "counter-narrative", a concept that is being developed by several international and State actors, as well as by academic experts, religious scholars and others. The Counter-Terrorism Implementation Task Force Working Group on Countering the Use of the Internet for Terrorist Purposes has created a counter-narrative database of materials (including films highlighting the stories of repentant persons formerly involved in terrorism) that can be used by interested parties worldwide to challenge the terrorist narrative.[9] Posting counter-narratives on the Internet is one way in which the openness and accessibility of the Internet may be turned to practical advantage in accordance with the right to freedom of expression. The Global Counterterrorism Forum has established a Working Group on Countering Violent Extremism, which will serve as a clearing house for research and analysis, bringing together experts to design effective strategies for countering violent extremism and to help ensure that Governments and civil society are trained to understand the phenomenon of radicalization. As long as incitement continues to pose a threat, it will be important to challenge its underlying motivations and ideology in public discussion and debate, including over the Internet.

[9] Available from www.un.org/en/terrorism/ctitf/documentaries.shtml.

D. Listening more attentively to the voices of victims

112. Closely linked to the concept of counter-narrative is the growing recognition of the importance of the voices of victims of terrorism in effective counter-incitement strategies. Over recent years, concerns have been expressed that the debate has focused too narrowly on counter-terrorism strategies and policies and that insufficient attention has been paid to the views and experiences of those most affected by terrorist acts: victims and survivors. Yet, few would dispute that the voices of these individuals can convey perhaps the most compelling messages in response to terrorist incitement.

113. There have been important recent initiatives to bring the voices of victims and survivors more fully into counter-incitement efforts. In September 2008, the Secretary-General convened a Symposium on Supporting Victims of Terrorism at United Nations Headquarters, which has since been developed through the work of the Counter-Terrorism Implementation Task Force Working Group on Supporting and Highlighting Victims of Terrorism (e.g. through its development of a web portal that can serve as a forum in which victims and others can share information, resources and best practices on supporting victims).[10] Civil society groups founded by victims, including the Global Survivors Network, have played a leading role in giving victims a platform for expression. At the regional level, recent initiatives have included the Conference on Victims of Terrorism, held jointly in June 2011 in San Sebastian, Spain, by the Council of Europe, the Inter-American Committee against Terrorism and the Government of Spain, in cooperation with the Basque Autonomous Community. Providing additional space for victims of terrorism to contribute to the discussion can help more effectively counter incitement.

E. Rehabilitation programmes

114. A number of States, international organizations, academic institutions and others are actively developing new and innovative rehabilitation programmes for persons who are detained or imprisoned in connection with their involvement in terrorist acts. The main goal of these efforts is to disengage radicalized individuals from their commitment to violence as a way to achieve their objectives (whether political, religious or of any other nature) and to assist with their reintegration into society. Approaches to rehabilitation differ among States, but greater attention is being paid to exchanging experiences and developing best practices in this area. These programmes raise particular concerns with regard to the rights of the participating individuals, especially if such individuals are in detention. Moreover, further research is needed to show that such programmes produce genuine, positive results as to the likelihood that such individuals will commit further acts of terrorism or incite others to commit such acts.

115. One important initiative in this area is the project being pursued by the United Nations Interregional Crime and Justice Research Institute with the support of several States and other United Nations entities. The aim of this project is to gather and analyse information from States, meet to assess different approaches and best practices and help build capacities. Such programmes may contribute to countering incitement motivated by extremism and intolerance, at least with respect to some

[10] Available from www.un.org/en/terrorism/ctitf/wg_supportvictims.shtml.

individuals. However, they will need to be considered carefully in view of their direct impact on fundamental rights, including the rights to freedom of thought, conscience, religion and opinion, as well as the right to fair treatment in accordance with the rule of law.

F. Developing comprehensive and integrated national strategies

116. The above-mentioned approaches underscore the potential value, as identified by resolution 1963 (2010), of comprehensive and integrated national counter-terrorism strategies and mechanisms to implement them that include attention to the factors that lead to terrorist activities, in accordance with States' obligations under international law. In its preamble, resolution 1963 (2010) recognizes "that terrorism will not be defeated by military force, law enforcement measures, and intelligence operations alone". The resolution underlines the need to address the conditions conducive to the spread of terrorism, as outlined in pillar I of the United Nations Global Counter-Terrorism Strategy.

117. Acts of terrorism and incitement are complex manifestations of criminal behaviour. Even though there is consensus that such acts are indefensible, they arise from a web of motivations and social situations that must be understood in order to be effectively addressed. Some States have begun to acknowledge this by developing comprehensive national counter-terrorism strategies that go beyond traditional law enforcement to involve multiple social actors. One State's recently adopted national counter-terrorism law recognizes "that the fight against terrorism requires a comprehensive approach, comprising political, economic, diplomatic, military and legal means duly taking into account the root causes of terrorism without acknowledging these as justifications for terrorist and/or criminal activities". Further development of the concept and elements of national strategies can provide a practical framework within which to effectively implement resolution 1624 (2005).

VI. Conclusions and recommendations

118. The information submitted for this survey makes clear that, in the view of many States, incitement to commit acts of terrorism remains a serious risk and threat throughout much of the world, albeit to varying degrees. The rapid evolution of communications technologies has added to the challenge of effectively implementing resolution 1624 (2005) but has also created new opportunities. The issue of incitement is complex and requires further diagnosis at both governmental and non-governmental levels. Much more remains to be learned about the exact relationship between incitement and the commission of violent acts, how the impact of incitement varies online and offline, and which entry points are the most effective for purposes of prevention. States continue to adopt various approaches to prohibition and prevention of incitement, in accordance with the resolution. Even though such approaches may occur within a somewhat flexible framework, they must in all cases comply with States' obligations under international law, including the obligation to respect the right to freedom of expression.

119. Substantial resources have been invested worldwide in initiatives aimed at enhancing dialogue and understanding among civilizations and at countering

incitement motivated by extremism and intolerance. These initiatives are to be welcomed and have likely helped to raise awareness, develop common understandings, and somewhat mitigate the risk and threat of incitement. Further action in these areas will be essential in addressing the challenge of terrorist incitement. Overall, strengthened international cooperation and exchange of information and the development of comprehensive and integrated national responses may be among the most effective ways to counter and prevent incitement. States may need technical assistance, whether in legal drafting or in training and awareness-raising regarding different strategies. The Committee and the Executive Directorate should continue to serve as facilitators of technical assistance in this regard.

120. On the basis of the present survey, it is recommended that Member States:

- Continue to develop initiatives to prohibit and prevent incitement, identify best practices and exchange information, bearing in mind the need to ensure that all relevant measures comply with their international legal obligations, including human rights obligations.
- Strengthen policies and programmes to enhance dialogue and understanding among civilizations, as a key element of an effective counter-incitement strategy.
- Consider incorporating measures to implement resolution 1624 (2005) into comprehensive and integrated national counter-terrorism strategies that include roles for local communities, the private sector, civil society, the media and other relevant actors.

121. On the basis of the present survey, it is recommended that the Committee/Executive Directorate:

- Continue to gather information on the implementation of Security Council resolution 1624 (2005) by Member States, including (whether within the framework of country visits or through other forms of dialogue) by encouraging States that have not yet submitted a report to do so.
- Continue to study and promote new practical ways to implement the resolution, in close cooperation with the Counter-Terrorism Implementation Task Force and its working groups and other relevant United Nations entities, as well as with other international and regional organizations, the media, civil and religious society, the business community and educational institutions.
- Strengthen efforts to disseminate best legal practices and promote exchange of information, including for the purposes of improving international cooperation and facilitating technical assistance, where appropriate.